



Rep. Arthur Turner

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LRB099 05204 RLC 33015 a

1 AMENDMENT TO HOUSE BILL 1310

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1310 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by  
5 changing Sections 3-3-2, 3-3-3, and 5-8-1 and by adding  
6 Sections 5-8-1.4, 5-8-1.5, and 5-8-1.6 as follows:

7 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

8 Sec. 3-3-2. Powers and Duties.

9 (a) The Parole and Pardon Board is abolished and the term  
10 "Parole and Pardon Board" as used in any law of Illinois, shall  
11 read "Prisoner Review Board." After the effective date of this  
12 amendatory Act of 1977, the Prisoner Review Board shall provide  
13 by rule for the orderly transition of all files, records, and  
14 documents of the Parole and Pardon Board and for such other  
15 steps as may be necessary to effect an orderly transition and  
16 shall:

1           (1) hear by at least one member and through a panel of  
2 at least 3 members decide, cases of prisoners who were  
3 sentenced under the law in effect prior to the effective  
4 date of this amendatory Act of 1977, and who are eligible  
5 for parole;

6           (2) hear by at least one member and through a panel of  
7 at least 3 members decide, the conditions of parole and the  
8 time of discharge from parole, impose sanctions for  
9 violations of parole, and revoke parole for those sentenced  
10 under the law in effect prior to this amendatory Act of  
11 1977; provided that the decision to parole and the  
12 conditions of parole for all prisoners who were sentenced  
13 for first degree murder or who received a minimum sentence  
14 of 20 years or more under the law in effect prior to  
15 February 1, 1978 shall be determined by a majority vote of  
16 the Prisoner Review Board. One representative supporting  
17 parole and one representative opposing parole will be  
18 allowed to speak. Their comments shall be limited to making  
19 corrections and filling in omissions to the Board's  
20 presentation and discussion;

21           (3) hear by at least one member and through a panel of  
22 at least 3 members decide, the conditions of mandatory  
23 supervised release and the time of discharge from mandatory  
24 supervised release, impose sanctions for violations of  
25 mandatory supervised release, and revoke mandatory  
26 supervised release for those sentenced under the law in

1 effect after the effective date of this amendatory Act of  
2 1977;

3 (3.5) hear by at least one member and through a panel  
4 of at least 3 members decide, the conditions of mandatory  
5 supervised release and the time of discharge from mandatory  
6 supervised release, to impose sanctions for violations of  
7 mandatory supervised release and revoke mandatory  
8 supervised release for those serving extended supervised  
9 release terms pursuant to paragraph (4) of subsection (d)  
10 of Section 5-8-1;

11 (3.6) hear by at least one member and through a panel  
12 of at least 3 members decide, the time of aftercare  
13 release, the conditions of aftercare release and the time  
14 of discharge from aftercare release, impose sanctions for  
15 violations of aftercare release, and revoke aftercare  
16 release for those adjudicated delinquent under the  
17 Juvenile Court Act of 1987;

18 (4) hear by at least one member and through a panel of  
19 at least 3 members, decide cases brought by the Department  
20 of Corrections against a prisoner in the custody of the  
21 Department for alleged violation of Department rules with  
22 respect to sentence credits under Section 3-6-3 of this  
23 Code in which the Department seeks to revoke sentence  
24 credits, if the amount of time at issue exceeds 30 days or  
25 when, during any 12 month period, the cumulative amount of  
26 credit revoked exceeds 30 days except where the infraction

1 is committed or discovered within 60 days of scheduled  
2 release. In such cases, the Department of Corrections may  
3 revoke up to 30 days of sentence credit. The Board may  
4 subsequently approve the revocation of additional sentence  
5 credit, if the Department seeks to revoke sentence credit  
6 in excess of thirty days. However, the Board shall not be  
7 empowered to review the Department's decision with respect  
8 to the loss of 30 days of sentence credit for any prisoner  
9 or to increase any penalty beyond the length requested by  
10 the Department;

11 (5) hear by at least one member and through a panel of  
12 at least 3 members decide, the release dates for certain  
13 prisoners sentenced under the law in existence prior to the  
14 effective date of this amendatory Act of 1977, in  
15 accordance with Section 3-3-2.1 of this Code;

16 (6) hear by at least one member and through a panel of  
17 at least 3 members decide, all requests for pardon,  
18 reprieve or commutation, and make confidential  
19 recommendations to the Governor;

20 (7) comply with the requirements of the Open Parole  
21 Hearings Act;

22 (8) hear by at least one member and, through a panel of  
23 at least 3 members, decide cases brought by the Department  
24 of Corrections against a prisoner in the custody of the  
25 Department for court dismissal of a frivolous lawsuit  
26 pursuant to Section 3-6-3(d) of this Code in which the

1 Department seeks to revoke up to 180 days of sentence  
2 credit, and if the prisoner has not accumulated 180 days of  
3 sentence credit at the time of the dismissal, then all  
4 sentence credit accumulated by the prisoner shall be  
5 revoked;

6 (9) hear by at least 3 members, and, through a panel of  
7 at least 3 members, decide whether to grant certificates of  
8 relief from disabilities or certificates of good conduct as  
9 provided in Article 5.5 of Chapter V;

10 (10) upon a petition by a person who has been convicted  
11 of a Class 3 or Class 4 felony and who meets the  
12 requirements of this paragraph, hear by at least 3 members  
13 and, with the unanimous vote of a panel of 3 members, issue  
14 a certificate of eligibility for sealing recommending that  
15 the court order the sealing of all official records of the  
16 arresting authority, the circuit court clerk, and the  
17 Department of State Police concerning the arrest and  
18 conviction for the Class 3 or 4 felony. A person may not  
19 apply to the Board for a certificate of eligibility for  
20 sealing:

21 (A) until 5 years have elapsed since the expiration  
22 of his or her sentence;

23 (B) until 5 years have elapsed since any arrests or  
24 detentions by a law enforcement officer for an alleged  
25 violation of law, other than a petty offense, traffic  
26 offense, conservation offense, or local ordinance

1 offense;

2 (C) if convicted of a violation of the Cannabis  
3 Control Act, Illinois Controlled Substances Act, the  
4 Methamphetamine Control and Community Protection Act,  
5 the Methamphetamine Precursor Control Act, or the  
6 Methamphetamine Precursor Tracking Act unless the  
7 petitioner has completed a drug abuse program for the  
8 offense on which sealing is sought and provides proof  
9 that he or she has completed the program successfully;

10 (D) if convicted of:

11 (i) a sex offense described in Article 11 or  
12 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
13 the Criminal Code of 1961 or the Criminal Code of  
14 2012;

15 (ii) aggravated assault;

16 (iii) aggravated battery;

17 (iv) domestic battery;

18 (v) aggravated domestic battery;

19 (vi) violation of an order of protection;

20 (vii) an offense under the Criminal Code of  
21 1961 or the Criminal Code of 2012 involving a  
22 firearm;

23 (viii) driving while under the influence of  
24 alcohol, other drug or drugs, intoxicating  
25 compound or compounds or any combination thereof;

26 (ix) aggravated driving while under the

1 influence of alcohol, other drug or drugs,  
2 intoxicating compound or compounds or any  
3 combination thereof; or

4 (x) any crime defined as a crime of violence  
5 under Section 2 of the Crime Victims Compensation  
6 Act.

7 If a person has applied to the Board for a certificate  
8 of eligibility for sealing and the Board denies the  
9 certificate, the person must wait at least 4 years before  
10 filing again or filing for pardon from the Governor unless  
11 the Chairman of the Prisoner Review Board grants a waiver.

12 The decision to issue or refrain from issuing a  
13 certificate of eligibility for sealing shall be at the  
14 Board's sole discretion, and shall not give rise to any  
15 cause of action against either the Board or its members.

16 The Board may only authorize the sealing of Class 3 and  
17 4 felony convictions of the petitioner from one information  
18 or indictment under this paragraph (10). A petitioner may  
19 only receive one certificate of eligibility for sealing  
20 under this provision for life; and

21 (11) upon a petition by a person who after having been  
22 convicted of a Class 3 or Class 4 felony thereafter served  
23 in the United States Armed Forces or National Guard of this  
24 or any other state and had received an honorable discharge  
25 from the United States Armed Forces or National Guard or  
26 who at the time of filing the petition is enlisted in the

1 United States Armed Forces or National Guard of this or any  
2 other state and served one tour of duty and who meets the  
3 requirements of this paragraph, hear by at least 3 members  
4 and, with the unanimous vote of a panel of 3 members, issue  
5 a certificate of eligibility for expungement recommending  
6 that the court order the expungement of all official  
7 records of the arresting authority, the circuit court  
8 clerk, and the Department of State Police concerning the  
9 arrest and conviction for the Class 3 or 4 felony. A person  
10 may not apply to the Board for a certificate of eligibility  
11 for expungement:

12 (A) if convicted of:

13 (i) a sex offense described in Article 11 or  
14 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
15 the Criminal Code of 1961 or Criminal Code of 2012;

16 (ii) an offense under the Criminal Code of 1961  
17 or Criminal Code of 2012 involving a firearm; or

18 (iii) a crime of violence as defined in Section  
19 2 of the Crime Victims Compensation Act; or

20 (B) if the person has not served in the United  
21 States Armed Forces or National Guard of this or any  
22 other state or has not received an honorable discharge  
23 from the United States Armed Forces or National Guard  
24 of this or any other state or who at the time of the  
25 filing of the petition is serving in the United States  
26 Armed Forces or National Guard of this or any other

1 state and has not completed one tour of duty.

2 If a person has applied to the Board for a certificate  
3 of eligibility for expungement and the Board denies the  
4 certificate, the person must wait at least 4 years before  
5 filing again or filing for a pardon with authorization for  
6 expungement from the Governor unless the Governor or  
7 Chairman of the Prisoner Review Board grants a waiver.

8 (a-5) The Prisoner Review Board, with the cooperation of  
9 and in coordination with the Department of Corrections and the  
10 Department of Central Management Services, shall implement a  
11 pilot project in 3 correctional institutions providing for the  
12 conduct of hearings under paragraphs (1) and (4) of subsection  
13 (a) of this Section through interactive video conferences. The  
14 project shall be implemented within 6 months after the  
15 effective date of this amendatory Act of 1996. Within 6 months  
16 after the implementation of the pilot project, the Prisoner  
17 Review Board, with the cooperation of and in coordination with  
18 the Department of Corrections and the Department of Central  
19 Management Services, shall report to the Governor and the  
20 General Assembly regarding the use, costs, effectiveness, and  
21 future viability of interactive video conferences for Prisoner  
22 Review Board hearings.

23 (b) Upon recommendation of the Department the Board may  
24 restore sentence credit previously revoked.

25 (c) The Board shall cooperate with the Department in  
26 promoting an effective system of parole, aftercare release, and

1 mandatory supervised release.

2 (d) The Board shall promulgate rules for the conduct of its  
3 work, and the Chairman shall file a copy of such rules and any  
4 amendments thereto with the Director and with the Secretary of  
5 State.

6 (e) The Board shall keep records of all of its official  
7 actions and shall make them accessible in accordance with law  
8 and the rules of the Board.

9 (f) The Board or one who has allegedly violated the  
10 conditions of his or her parole, aftercare release, or  
11 mandatory supervised release may require by subpoena the  
12 attendance and testimony of witnesses and the production of  
13 documentary evidence relating to any matter under  
14 investigation or hearing. The Chairman of the Board may sign  
15 subpoenas which shall be served by any agent or public official  
16 authorized by the Chairman of the Board, or by any person  
17 lawfully authorized to serve a subpoena under the laws of the  
18 State of Illinois. The attendance of witnesses, and the  
19 production of documentary evidence, may be required from any  
20 place in the State to a hearing location in the State before  
21 the Chairman of the Board or his or her designated agent or  
22 agents or any duly constituted Committee or Subcommittee of the  
23 Board. Witnesses so summoned shall be paid the same fees and  
24 mileage that are paid witnesses in the circuit courts of the  
25 State, and witnesses whose depositions are taken and the  
26 persons taking those depositions are each entitled to the same

1 fees as are paid for like services in actions in the circuit  
2 courts of the State. Fees and mileage shall be vouchered for  
3 payment when the witness is discharged from further attendance.

4 In case of disobedience to a subpoena, the Board may  
5 petition any circuit court of the State for an order requiring  
6 the attendance and testimony of witnesses or the production of  
7 documentary evidence or both. A copy of such petition shall be  
8 served by personal service or by registered or certified mail  
9 upon the person who has failed to obey the subpoena, and such  
10 person shall be advised in writing that a hearing upon the  
11 petition will be requested in a court room to be designated in  
12 such notice before the judge hearing motions or extraordinary  
13 remedies at a specified time, on a specified date, not less  
14 than 10 nor more than 15 days after the deposit of the copy of  
15 the written notice and petition in the U.S. mails addressed to  
16 the person at his last known address or after the personal  
17 service of the copy of the notice and petition upon such  
18 person. The court upon the filing of such a petition, may order  
19 the person refusing to obey the subpoena to appear at an  
20 investigation or hearing, or to there produce documentary  
21 evidence, if so ordered, or to give evidence relative to the  
22 subject matter of that investigation or hearing. Any failure to  
23 obey such order of the circuit court may be punished by that  
24 court as a contempt of court.

25 Each member of the Board and any hearing officer designated  
26 by the Board shall have the power to administer oaths and to

1 take the testimony of persons under oath.

2 (g) Except under subsection (a) of this Section, a majority  
3 of the members then appointed to the Prisoner Review Board  
4 shall constitute a quorum for the transaction of all business  
5 of the Board.

6 (h) The Prisoner Review Board shall annually transmit to  
7 the Director a detailed report of its work for the preceding  
8 calendar year. The annual report shall also be transmitted to  
9 the Governor for submission to the Legislature.

10 (i) The Prisoner Review Board may grant participation in  
11 the Sentence Modification Program for elderly offenders under  
12 Section 5-8-1.4 and medical parole under Section 5-8-1.5.

13 (Source: P.A. 97-697, eff. 6-22-12; 97-1120, eff. 1-1-13;  
14 97-1150, eff. 1-25-13; 98-399, eff. 8-16-13; 98-558, eff.  
15 1-1-14; 98-756, eff. 7-16-14.)

16 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

17 Sec. 3-3-3. Eligibility for Parole or Release.

18 (a) (Blank). ~~Except for those offenders who accept the~~  
19 ~~fixed release date established by the Prisoner Review Board~~  
20 ~~under Section 3-3-2.1, every person serving a term of~~  
21 ~~imprisonment under the law in effect prior to the effective~~  
22 ~~date of this amendatory Act of 1977 shall be eligible for~~  
23 ~~parole when he or she has served:~~

24 ~~(1) the minimum term of an indeterminate sentence less~~  
25 ~~time credit for good behavior, or 20 years less time credit~~

1 ~~for good behavior, whichever is less, or~~

2 ~~(2) 20 years of a life sentence less time credit for~~  
3 ~~good behavior; or~~

4 ~~(3) 20 years or one third of a determinate sentence,~~  
5 ~~whichever is less, less time credit for good behavior.~~

6 (b) No person sentenced under this amendatory Act of 1977  
7 or who accepts a release date under Section 3-3-2.1 shall be  
8 eligible for parole.

9 (c) Except for those sentenced to a term of natural life  
10 imprisonment, every person sentenced to imprisonment under  
11 this amendatory Act of 1977 or given a release date under  
12 Section 3-3-2.1 of this Act shall serve the full term of a  
13 determinate sentence less time credit for good behavior and  
14 shall then be released under the mandatory supervised release  
15 provisions of paragraph (d) of Section 5-8-1 of this Code.

16 (d) No person serving a term of natural life imprisonment  
17 may be paroled or released except through executive clemency.

18 (e) Every person committed to the Department of Juvenile  
19 Justice under Section 5-10 of the Juvenile Court Act or Section  
20 5-750 of the Juvenile Court Act of 1987 or Section 5-8-6 of  
21 this Code and confined in the State correctional institutions  
22 or facilities if such juvenile has not been tried as an adult  
23 shall be eligible for aftercare release without regard to the  
24 length of time the person has been confined or whether the  
25 person has served any minimum term imposed. However, if a  
26 juvenile has been tried as an adult he or she shall only be

1 eligible for parole or mandatory supervised release as an adult  
2 under this Section.

3 (Source: P.A. 98-558, eff. 1-1-14.)

4 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

5 Sec. 5-8-1. Natural life imprisonment; enhancements for  
6 use of a firearm; mandatory supervised release terms.

7 (a) Except as otherwise provided in the statute defining  
8 the offense or in Article 4.5 of Chapter V and except as  
9 otherwise provided in Sections 5-8-1.4 and 5-8-1.5, a sentence  
10 of imprisonment for a felony shall be a determinate sentence  
11 set by the court under this Section, according to the following  
12 limitations:

13 (1) for first degree murder,

14 (a) (blank),

15 (b) if a trier of fact finds beyond a reasonable  
16 doubt that the murder was accompanied by exceptionally  
17 brutal or heinous behavior indicative of wanton  
18 cruelty or, except as set forth in subsection (a)(1)(c)  
19 of this Section, that any of the aggravating factors  
20 listed in subsection (b) or (b-5) of Section 9-1 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012 are  
22 present, the court may sentence the defendant to a term  
23 of natural life imprisonment, or

24 (c) the court shall sentence the defendant to a  
25 term of natural life imprisonment when the death

1 penalty is not imposed if the defendant,

2 (i) has previously been convicted of first  
3 degree murder under any state or federal law, or

4 (ii) is a person who, at the time of the  
5 commission of the murder, had attained the age of  
6 17 or more and is found guilty of murdering an  
7 individual under 12 years of age; or, irrespective  
8 of the defendant's age at the time of the  
9 commission of the offense, is found guilty of  
10 murdering more than one victim, or

11 (iii) is found guilty of murdering a peace  
12 officer, fireman, or emergency management worker  
13 when the peace officer, fireman, or emergency  
14 management worker was killed in the course of  
15 performing his official duties, or to prevent the  
16 peace officer or fireman from performing his  
17 official duties, or in retaliation for the peace  
18 officer, fireman, or emergency management worker  
19 from performing his official duties, and the  
20 defendant knew or should have known that the  
21 murdered individual was a peace officer, fireman,  
22 or emergency management worker, or

23 (iv) is found guilty of murdering an employee  
24 of an institution or facility of the Department of  
25 Corrections, or any similar local correctional  
26 agency, when the employee was killed in the course

1 of performing his official duties, or to prevent  
2 the employee from performing his official duties,  
3 or in retaliation for the employee performing his  
4 official duties, or

5 (v) is found guilty of murdering an emergency  
6 medical technician - ambulance, emergency medical  
7 technician - intermediate, emergency medical  
8 technician - paramedic, ambulance driver or other  
9 medical assistance or first aid person while  
10 employed by a municipality or other governmental  
11 unit when the person was killed in the course of  
12 performing official duties or to prevent the  
13 person from performing official duties or in  
14 retaliation for performing official duties and the  
15 defendant knew or should have known that the  
16 murdered individual was an emergency medical  
17 technician - ambulance, emergency medical  
18 technician - intermediate, emergency medical  
19 technician - paramedic, ambulance driver, or other  
20 medical assistant or first aid personnel, or

21 (vi) is a person who, at the time of the  
22 commission of the murder, had not attained the age  
23 of 17, and is found guilty of murdering a person  
24 under 12 years of age and the murder is committed  
25 during the course of aggravated criminal sexual  
26 assault, criminal sexual assault, or aggravated

1 kidnaping, or

2 (vii) is found guilty of first degree murder  
3 and the murder was committed by reason of any  
4 person's activity as a community policing  
5 volunteer or to prevent any person from engaging in  
6 activity as a community policing volunteer. For  
7 the purpose of this Section, "community policing  
8 volunteer" has the meaning ascribed to it in  
9 Section 2-3.5 of the Criminal Code of 2012.

10 For purposes of clause (v), "emergency medical  
11 technician - ambulance", "emergency medical technician  
12 - intermediate", "emergency medical technician -  
13 paramedic", have the meanings ascribed to them in the  
14 Emergency Medical Services (EMS) Systems Act.

15 (d) (i) if the person committed the offense while  
16 armed with a firearm, 15 years shall be added to  
17 the term of imprisonment imposed by the court;

18 (ii) if, during the commission of the offense,  
19 the person personally discharged a firearm, 20  
20 years shall be added to the term of imprisonment  
21 imposed by the court;

22 (iii) if, during the commission of the  
23 offense, the person personally discharged a  
24 firearm that proximately caused great bodily harm,  
25 permanent disability, permanent disfigurement, or  
26 death to another person, 25 years or up to a term

1           of natural life shall be added to the term of  
2           imprisonment imposed by the court.

3           (2) (blank);

4           (2.5) for a person convicted under the circumstances  
5           described in subdivision (b)(1)(B) of Section 11-1.20 or  
6           paragraph (3) of subsection (b) of Section 12-13,  
7           subdivision (d)(2) of Section 11-1.30 or paragraph (2) of  
8           subsection (d) of Section 12-14, subdivision (b)(1.2) of  
9           Section 11-1.40 or paragraph (1.2) of subsection (b) of  
10          Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or  
11          paragraph (2) of subsection (b) of Section 12-14.1 of the  
12          Criminal Code of 1961 or the Criminal Code of 2012, the  
13          sentence shall be a term of natural life imprisonment.

14          (b) (Blank).

15          (c) (Blank).

16          (d) Subject to earlier termination under Section 3-3-8, the  
17          parole or mandatory supervised release term shall be written as  
18          part of the sentencing order and shall be as follows:

19               (1) for first degree murder or a Class X felony except  
20               for the offenses of predatory criminal sexual assault of a  
21               child, aggravated criminal sexual assault, and criminal  
22               sexual assault if committed on or after the effective date  
23               of this amendatory Act of the 94th General Assembly and  
24               except for the offense of aggravated child pornography  
25               under Section 11-20.1B, 11-20.3, or 11-20.1 with  
26               sentencing under subsection (c-5) of Section 11-20.1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, if  
2 committed on or after January 1, 2009, 3 years;

3 (2) for a Class 1 felony or a Class 2 felony except for  
4 the offense of criminal sexual assault if committed on or  
5 after the effective date of this amendatory Act of the 94th  
6 General Assembly and except for the offenses of manufacture  
7 and dissemination of child pornography under clauses  
8 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code  
9 of 1961 or the Criminal Code of 2012, if committed on or  
10 after January 1, 2009, 2 years;

11 (3) for a Class 3 felony or a Class 4 felony, 1 year;

12 (4) for defendants who commit the offense of predatory  
13 criminal sexual assault of a child, aggravated criminal  
14 sexual assault, or criminal sexual assault, on or after the  
15 effective date of this amendatory Act of the 94th General  
16 Assembly, or who commit the offense of aggravated child  
17 pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
18 with sentencing under subsection (c-5) of Section 11-20.1  
19 of the Criminal Code of 1961 or the Criminal Code of 2012,  
20 manufacture of child pornography, or dissemination of  
21 child pornography after January 1, 2009, the term of  
22 mandatory supervised release shall range from a minimum of  
23 3 years to a maximum of the natural life of the defendant;

24 (5) if the victim is under 18 years of age, for a  
25 second or subsequent offense of aggravated criminal sexual  
26 abuse or felony criminal sexual abuse, 4 years, at least

1 the first 2 years of which the defendant shall serve in an  
2 electronic home detention program under Article 8A of  
3 Chapter V of this Code;

4 (6) for a felony domestic battery, aggravated domestic  
5 battery, stalking, aggravated stalking, and a felony  
6 violation of an order of protection, 4 years.

7 (e) (Blank).

8 (f) (Blank).

9 (Source: P.A. 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10;  
10 96-1200, eff. 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff.  
11 7-1-11; 97-333, eff. 8-12-11; 97-531, eff. 1-1-12; 97-1109,  
12 eff. 1-1-13; 97-1150, eff. 1-25-13.)

13 (730 ILCS 5/5-8-1.4 new)

14 Sec. 5-8-1.4. Sentence Modification Program for elderly  
15 offenders.

16 (a) A committed person as defined in subsection (c) of  
17 Section 3-1-2 of this Code who is at least 55 years of age and  
18 who has served at least 25 consecutive years of imprisonment in  
19 a Department of Corrections institution or facility may  
20 petition the Prisoner Review Board ("Board") for participation  
21 in the Sentence Modification Program ("Program") as provided in  
22 this Section. The petition shall, in the first instance, be  
23 screened by the Department of Corrections, which shall  
24 determine whether the petitioner should be considered for  
25 participation in the Program. The Department of Corrections

1 shall review the criminal history of the petitioner and the  
2 petitioner's conduct while incarcerated in a facility or  
3 facilities of the Department of Corrections. The Department  
4 shall administer a risk assessment and medical, psychological,  
5 and psychiatric assessments of the petitioner before  
6 submitting the petition to the Board. No more than 100  
7 committed persons shall be allowed to participate in the  
8 Program. If the Department determines that the petitioner  
9 should be so considered, it shall submit the petition to the  
10 Board. The Board shall notify the victims and the families of  
11 the victims of the committed person's offenses within 30 days  
12 after receiving the petition and shall provide an opportunity  
13 for the victims and their families to submit statements in  
14 support of or opposition to the petitioner's participation in  
15 the Program.

16 (b) The petition shall contain reasons why the committed  
17 person should be granted participation in the Program and, when  
18 possible, should provide relevant documentation and statements  
19 of support.

20 (c) The Board shall render its decision about the committed  
21 person's petition within a reasonable time after the petition  
22 has been filed. In deciding whether to grant or deny the  
23 petitioner participation in the Program, the Board shall  
24 consider whether the petitioner documents and demonstrates the  
25 following:

26 (1) successful participation in programs designed to

1 restore the committed person to a useful and productive  
2 life upon release (including educational programs and  
3 programs designed to deal with substance abuse or other  
4 issues) and, if those programs are not available,  
5 information demonstrating that the committed person has  
6 attempted to participate in those programs or has engaged  
7 in self-education programs, correspondence courses, or  
8 other self-improvement efforts;

9 (2) the genuine reform and changed behavior the  
10 committed person has demonstrated over a period of years;

11 (3) the committed person's remorse for actions that  
12 have caused pain and suffering to victims of his or her  
13 offenses;

14 (4) the committed person's ability to socialize with  
15 others in an acceptable manner;

16 (5) the committed person's renunciation of criminal  
17 activity and gang affiliation if the committed person was a  
18 member of a gang; and

19 (6) an appropriate plan for living arrangements, which  
20 indicates if the person intends to seek admission to a  
21 nursing facility and the name of the facility if known,  
22 financial support, and any medical care that will be needed  
23 when the committed person returns to society.

24 (d) The Board shall consider the petition in its entirety  
25 and shall not order the release of the committed person if it  
26 finds that the committed person poses a threat to public

1 safety. If the Board determines that a committed person is  
2 eligible for participation in the Program and that the  
3 committed person should participate in the Program, the Board  
4 shall set the conditions for the committed person's release  
5 from prison before the expiration of his or her sentence. If  
6 the committed person's plan for living arrangements under  
7 paragraph (6) of subsection (c) of this Section includes  
8 relocation to a nursing facility, the Board shall notify the  
9 facility of the committed person's intent at least 30 days  
10 prior to the committed person's release. The Board shall, prior  
11 to the committed person's release, arrange for the committed  
12 person to be prescreened under Section 4.03 of the Illinois Act  
13 on the Aging and to make application for Medicaid Long Term  
14 Care services and the Board shall transmit to the facility  
15 prior to the committed person's admission documentation of the  
16 prescreening and the committed person's eligibility for  
17 Medicaid Long Term Care services, and the committed person's  
18 prison and criminal history. The later shall serve to meet the  
19 nursing facilities obligation to perform a background check.  
20 When granting participation in the Program, the Board may  
21 require the committed person, for a period of time upon  
22 release, to participate in community service or to wear an  
23 electronic monitoring device, or both. A committed person  
24 residing in a nursing facility shall be exempt from the  
25 community service requirement. Upon request of the victim or  
26 the victim's family, the Board may issue a protective order

1 requiring the committed person to avoid all contact with  
2 specified persons. For the purpose of this Section, "nursing  
3 facility" means a facility licensed under the Nursing Home Care  
4 Act.

5 (e) A petition for participation in the Program under the  
6 provisions of this Section may be submitted annually, except  
7 that if the Board denies a petition, it may order that the  
8 committed person may not file a new petition for up to 3 years  
9 from the date of denial, if the Board finds that it is not  
10 reasonable to expect that it would grant a petition filed  
11 earlier.

12 (f) The action of a majority of the Board members voting on  
13 the petition shall be the action of the Board.

14 (g) The victim or the victim's family shall be notified of  
15 any public meeting at which the Board intends to deliberate on  
16 the committed person's participation in the Program.

17 (h) The conditions of the Program shall include 15 hours of  
18 weekly community service approved by the Board.

19 (730 ILCS 5/5-8-1.5 new)

20 Sec. 5-8-1.5. Medical parole. Notwithstanding any other  
21 provision of law to the contrary, any committed person who is  
22 serving a sentence, including one who has not yet served the  
23 minimum term of the sentence, who is diagnosed as suffering  
24 from a terminal condition so as to render the committed person  
25 likely to live less than 9 months may be released on medical

1 parole to a hospital, hospice, other licensed inpatient  
2 facility, or suitable housing accommodation as specified by the  
3 Board. The Department shall promptly notify the Board upon  
4 receipt of medical information that a committed person has a  
5 diagnosis of a terminal condition with less than 9 months to  
6 live which prevents him or her from filing a petition on his or  
7 her own. As used in this Section, "other licensed inpatient  
8 facility" or "suitable housing accommodation" does not include  
9 a facility licensed under the Nursing Home Care Act.

10 (730 ILCS 5/5-8-1.6 new)

11 Sec. 5-8-1.6. Reports. The Department of Corrections and  
12 the Prisoner Review Board shall jointly submit reports to  
13 General Assembly on the programs established in Sections  
14 5-8-1.4 and 5-8-1.5. The Department and the Prisoner Review  
15 Board shall jointly submit an annual report to the General  
16 Assembly evaluating the programs established in Sections  
17 5-8-1.4 and 5-8-1.5 and recommending whether any of the  
18 programs shall be continued, modified, or discontinued."